

### **REMARKS/ARGUMENTS**

Applicants thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicants regard as the invention. Applicants respectfully submit that the present application is in a condition for allowance in view of the following remarks.

#### ***Specification***

The specification was objected to because of the presence of informalities. Specifically, the Office action explains that Applicants fail to disclose what the “base station information” is, instead, only teaching that the information is included in a message received from the base station. However, the base station information is exactly that; information about the base station. As explained in the specification, demodulation of a CDMA signal requires a unique code from each base station from which a CDMA signal is received. See, e.g., page 2, lines 11-21. Likewise, it is explained that information such as timing information, field strength information, RF control information, and base station information, for example, is sent from the storage unit to the synchronous detector to establish a setup to allow reception of the intermittent CDMA signal from the first base station by the first antenna. See, e.g., page 12, lines 4-20. Without the information about the base station the corresponding antenna would not be able to establish the setup required to receive and demodulate the intermittent CDMA signal from that base station. Accordingly, the description of the base station information in the specification fully complies with 35 U.S.C. §112.

***Claim Rejections – 35 U.S.C. § 103(a)***

Claims 1-3 and 5-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,940,452 to Rich (hereinafter “Rich”). For the following reasons, the rejection is respectfully traversed.

Specifically regarding claims 1 and 5, Rich fails to teach or suggest first and second antennas that receive intermittent CDMA signals from separate base stations. The antennas cited in Rich, Fig. 10, 820 and 822, are each expressly described as receiving signals modulated by different modulation methods since the radio unit in Rich is a dual mode unit. The two antennas of Rich that receive two different signals, each modulated according to a different modulation method, renders the radio in Rich “capable of operating in both an AMPS radio system and a GSM radio system.” Rich, col. 25, lines 4-7. The other examples in Rich that disclose receipt of a CDMA signal make it clear that the CDMA signal received by each antenna was transmitted by the *same* base station (see for example, Rich at col. 10, lines 47-53) and not from first and second base stations as claimed.

Further with respect to claims 1 and 5, Rich also fails to teach or suggest that the intermittent CDMA signals are sent from any one of the base stations every designated slot cycle in standby mode. The portions of Rich cited in the Office action as teaching these limitations both point to a component in figures 10 and 7, namely the “DIVERSITY RECEIVER APPARATUS” and the “SELECTION DIVERSITY RECEIVER APPARATUS”. It is not apparent to Applicants how the claimed temporal limitation of the intermittent CDMA signals being “sent from any one of the base stations every designated slot cycle in standby mode” is taught by the cited figures in Rich, which fails to include any timing diagrams or other reference to time.

Further yet with respect to claims 1 and 5, Rich fails to teach or suggest “a base station information acquiring unit for acquiring first base station information included in the intermittent CDMA signal received by the first antenna and second base station information included in the intermittent CDMA signal received by the second antenna” as recited in claim 1, or “acquiring the first base station information and the second base station information” as recited in claim 5. The failure of Rich to explicitly teach these claimed features is noted in the Office action. However, another embodiment shown in figure 7 of Rich is then cited as teaching the acquisition of first and second base station information, which is identified in the Office action as “DX” & “ $E_c/I_o$ ”. However, as explained above, the first and second antennas of Rich do not both receive intermittent CDMA signals from different base stations, and thus, the first and second base station information can not be acquired as claimed in claims 1 and 5. Moreover, the demodulated signal (DX) and the ratio of the coded pilot signal to the received signal strength of all received signals ( $E_c/I_o$ ) cited in the Office action are not base station information, as that feature is claimed. Both the demodulated signal (DX) and the ratio ( $E_c/I_o$ ) carry information about the substance of the communication, and not information about the base station from which it was sent that would allow for demodulation of a CDMA signal from that base station.

Therefore, for at least the above reasons, it is respectfully submitted that Rich fails to teach or suggest every feature in claims 1 and 5, and thus, does not render those claims obvious for purposes of 35 U.S.C. §103(a). Applicants respectfully submit that claims 1 and 5 are patentable over Rich.

The remaining claims in the present application, specifically claims 2, 3, 6 and 7 are allowable for the limitations therein and for the limitations of the claims from which they depend.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-36375.

Respectfully submitted,  
PEARNE & GORDON LLP

By: /donald j. firca, jr./  
Donald J. Firca, Jr., Reg. No. 48,140

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

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